



09-CV-05268-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AIMEE WHITE, individually and on behalf of
K.W., a minor child,

Plaintiffs

v.

THE UNITED STATES OF AMERICA,

Defendant.

NO. 3:09-cv-5268

ORDER ON APPLICATION TO COURT
FOR ESTABLISHMENT OF A TRUST

ORDER ON APPLICATION TO COURT FOR ESTABLISHMENT OF A TRUST

On this day the Court considered the Application to Court For Establishment of Trust ("the Application") filed in this proceeding by AIMEE WHITE, on behalf of her minor daughter, K.W., ("Plaintiffs or Applicants") and based upon the Application, the evidence presented, and the argument of counsel, the Court finds that:

1. Applicants are residents of the State of Washington.
2. K.W. is both a minor child and an incapacitated or disabled person as defined by law and she a person who is permanently impaired because of illness or disability as defined by the Social Security Act, Section 42 U.S.C. Section 1382(c)(3). K.W. is a person who is entitled to, and shall receive, payment from payment or judgment in the above entitled and numbered cause.
3. Establishment of a trust pursuant to 42 U.S.C. Section 1396p(d)(4)(A) containing the terms and provisions of the Trust instrument filed herein and identified as "THE K. W. SPECIAL NEEDS TRUST" (the "Trust") would be in the best interests of K.W., who may likely be incapacitated or disabled throughout her life, and who may be in continuous need of financial assistance,

APPLICATION TO CREATE A TRUST

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1 medical care, and/or support from both private and public sources.

- 2 4. K.W. may have limited or no ability of her own to meet her financial needs and
3 provide for the costs of her health care and medical expenses; it may be
4 necessary for her to access public governmental benefit programs ("benefits
5 support") to help meet her needs; and therefore, it would be in the best interests
6 of K.W. to establish a Trust, under the provisions of 42 U.S.C. Section
7 1396p(d)(4)(A), so that such Trust can receive and manage K.W.'S judgment
8 award and assets, and help provide for her needs.
- 9 5. SOUTHWEST BANK ("Trustee") is a trust company or a state or national
10 bank having trust powers in Texas and is willing to serve as Trustee of the trust
11 created for K.W.'S benefit; Trustee shall be entitled to receive reimbursement
12 of its expenses and fair and reasonable compensation for its services to the
13 Trust which shall not be allowed to exceed Trustee's regularly published fee
14 schedule in existence and at such time as Trustee's services are rendered to the
15 Trust; and the Court shall approve such compensation and allow Trustee such
16 payment so long as Trustee's compensation for those services does not exceed
17 its regularly published fee schedule then in existence for such services.
- 18 6. Upon the approval of or entry and payment of the judgment for K.W. and
19 establishment of the Trust for her benefit, all persons, entities, and/or parties to
20 this proceeding, including the Clerk of this Court if applicable, who are
21 holding funds which are payable to or for the benefit of KW. shall be ordered
22 to pay or deliver such funds to Trustee as part of the trust estate of the Trust.

23 IT IS, THEREFORE, ORDERED that the Application is hereby granted; that the
24 establishment of the Trust is found to be in the best interests of K.W.; that SOUTHWEST
25 BANK is hereby named Trustee of such Trust and that as Trustee, SOUTHWEST BANK
26 shall be entitled to receive reimbursement of its expenses and compensation for its services to
the Trust which compensation shall not be allowed to exceed Trustee's regularly published
fee schedule then in existence for such services and which compensation is hereby
concurrently and prospectively approved by this Court so long as those fees and compensation
do not exceed Trustee's regularly published fee schedule; and that all persons, entities and/or
parties to this proceeding, including the Clerk of this Court if applicable, who are holding

APPLICATION TO CREATE A TRUST

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1 funds which are payable to or for the benefit of K.W. shall pay and deliver such funds to
2 Trustee as part of the Trust Estate of such Trust.

3 SIGNED AND ORDERED ENTERED this 9 day of July, 2010.

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5 The Honorable Robert J. Bryan
6 United States District Court
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APPLICATION TO CREATE A TRUST

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